
**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

Lawrence L. Piersol United States District Judge Presiding

Courtroom Deputy - JLS
Courtroom - SF #1

Court Reporter – Jill Connelly
Date – November 19, 2018 –
November 21, 2018

4:18-CV-04056-LLP

Winston Grey Brakeall
a/k/a Winston Brakeall

Alex Hagen

Plaintiffs,

vs.

Dennis Kaemingk, Brent Fluke, Kris Karberg,
Rebecca Schieffer

James Moore, Alexis Warner

Defendants.

TIME HEARING SCHEDULED TO BEGIN: 9:00 AM

TIME:

9:02 AM Enter Court Trial before the Hon. Lawrence L. Piersol, United States District Judge, Sioux Falls, SD. Counsel state their appearances for the record. Winston Brakeall is present at plaintiff table. Dennis Kaemingk is present at defendant table.

Dennis Kaemingk is called and affirmed as a witness by Plaintiff. Direct examination by Mr. Hagen. Mr. Moore reserves.

10:18 AM Court in recess for 15 minutes.

10:34 AM Trial resumes.

Catherine Schlingen is called and affirmed as a witness by Plaintiff. Direct examination by Mr. Hagen. Ms. Warner reserves.

11:41 AM Court in recess until 1:00 PM

1:04 P:M Trial resumes.

Winston Grey Brakeall is called and affirmed as a witness by Plaintiff. Direct by Mr. Hagen.

2:33 PM Court in recess for 15 minutes.

2:48 PM Trial resumes.

Discussion regarding remainder of trial.

Winston Grey Brakeall resumes the stand. Mr. Hagen resumes direct. Mr. Moore reserves cross-examination. Mr. Hagen reserves redirect examination.

Mary Christine Hutton is called and affirmed as a witness by Plaintiff. Direct by Mr. Hagen. Cross-examination by Ms. Warner. Redirect by Mr. Hagen. Questions by the Court.

Winston Grey Brakeall resumes the stand. Cross-examination by Mr. Moore.

5:04 PM Court in recess until 9:00 AM

TUESDAY, NOVEMBER 20, 2018

9:02 AM Trial resumes.

Discussion regarding argument and briefing.

Winston Grey Brakeall resumes the stand. Cross-examination continues by Mr. Moore. Redirect examination by Mr. Hagen. Questions by the Court. Further questions by Mr. Hagen. Questions by the Court.

Jeff Larson is called and affirmed as a witness by Plaintiff. Direct by Mr. Hagen. Cross-examination by Mr. Moore. Redirect by Mr. Hagen. Questions by the Court.

10:35 AM Court in recess for 15 minutes.

10:52 AM Trial resumes.

The Court address PLRA issues.

David Shapiro is called and affirmed as a witness by Plaintiff. Direct by Mr. Hagen. Cross-examination by Mr. Moore. Redirect examination by Mr. Hagen. Questions by the Court. Further discussion by Mr. Moore. Comments by the Court.

11:55 AM Court in recess until 1:00 PM.

1:01 PM Trial resumes.

Tiffany Voigt is called and affirmed as a witness by Plaintiff. Direct by Mr. Hagen. Cross-examination by Ms. Warner. Redirect by Mr. Hagen. Questions by the Court.

Ashely McDonald is called and affirmed as a witness by Defendant. Direct examination by Ms. Moore. Cross-examination by Mr. Hagen.

2:28 PM Court in recess for 15 minutes.

2:48 PM Trial resumes.

Ashely McDonald resumes the stand. Cross-examination continues by Mr. Hagen.

Candy Snyder is called and affirmed as a witness by Defendant. Direct by Ms. Moore. Cross-examination by Mr. Hagen. Questions by the Court.

4:17 PM Court is in recess for 15 minutes.

4:33 PM Trial resumes

Dennis Kaemingk is called as a witness by Defendant and resumes the stand. Direct examination by Mr. Moore.

5:18 PM Court in recess until 9:00 AM.

WEDNESDAY, NOVEMBER 21, 2018

9:02 AM Trial resumes.

Delmar “Sonny” Walter is called and affirmed as a witness by Plaintiff. Direct by Mr. Hagen. Cross-examination by Mr. Moore. Redirect by Mr. Hagen.

Dennis Kaemingk resumes the stand. Cross-examination by Mr. Hagen. Redirect examination by Mr. Moore.

10:17 AM Court in recess for 15 minutes.

10:32 AM Trial resumes.

The Plaintiff rests.

Darin Young is called and affirmed as a witness by Defendant. Direct by Mr. Moore. Cross-examination by Mr. Hagen. Questions by the Court.

Catherine Schlimgen is called as a witness by Defendant and resumes the stand. Direct examination by Ms. Warner. Cross-examination by Mr. Hagen.

The Defendants rest.

Winston Grey Brakeall is called as a rebuttal witness by Plaintiff and resumes the stand. Direct examination by Mr. Hagen. Cross-examination by Mr. Moore.

The Court addresses the parties as to this case and the possibility for mediation.

Mr. Hagen, on behalf of the Plaintiff, makes arguments to the Court.

Mr. Moore, on behalf of the Defendants, makes arguments to the Court.

Mr. Hagen makes rebuttal arguments.

12:04 PM Trial concludes.